

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

JULY 25, 2011

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
KONRAD W. SCHLATER, Vice Chairman  
GREG M. SELFRIDGE., Commissioner  
MICHAEL G. TURNBULL, FAIA,  
Commissioner (OAC)  
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary  
DONNA HANOUSEK, Zoning Specialist

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Board of Zoning Adjustment  
District of Columbia  
CASE NO. Transcript  
EXHIBIT NO. null

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,  
Development Review & Historic  
Preservation

JOEL LAWSON  
MAXINE BROWN-ROBERTS  
STEVEN COCHRAN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the  
minutes from the Regular meeting held on July  
25, 2011.

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P-R-O-C-E-E-D-I-N-G-S

6:32 p.m.

CHAIRMAN HOOD: This meeting will please come to order.

Good evening, ladies and gentlemen. This is July 25, 2011, the Public Meeting of the Zoning Commission of the District of Columbia.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner May, Commissioner Selfridge and Commissioner Turnbull.

We're also joined by the Office of Zoning staff Mr. Sharon Schellin and Ms. Donna Hanousek; Office of Attorney General Mr. Jacob Ritting; Office of Planning by Ms. Steingasser and Mr. Lawson, Mr. Cochran and Ms. Brown-Roberts.

And do we have anyone over there behind the poll?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. Copies of

1 today's meeting agenda are available to you  
2 and are located in the bin near the door.

3 We do not take any public  
4 testimony at our meetings unless the  
5 Commission requests someone to come forward.

6 Please be advised that this  
7 proceeding is being recorded by a court  
8 reporter and is also webcast live.  
9 Accordingly, we must ask you to refrain from  
10 any disruptive noises or actions in the  
11 hearing room. Please turn off all beepers and  
12 cell phones at this time.

13 Does the staff have any  
14 preliminary matters?

15 MS. SCHELLIN: No, sir.

16 CHAIRMAN HOOD: Okay.

17 Commissioners, in keeping in compliance with  
18 the Open Meetings Act, I don't think that we  
19 need to move the schedule around so we will go  
20 with it as posted.

21 Let's do our first, our Consent  
22 Calendar Zoning Commission Case No. 05-15C,

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1 RIK DC Investments, LLC - Minor Modification  
2 to PUD at Square 775.

3 Ms. Schellin, just give us two  
4 minutes. Okay. Thank you, Ms. Schellin.

5 MS. SCHELLIN: So this is a  
6 request from the Applicant requesting that  
7 they be allowed the flexibility to develop the  
8 property either as approved under the PUD  
9 Orders or as a by-right project.

10 At Exhibit 5 you have an OP  
11 report.

12 And staff would ask the Commission  
13 to consider this request.

14 CHAIRMAN HOOD: Okay.  
15 Commissioners, Exhibit 1 is the request for  
16 this minor modification. I took my readings  
17 from page 2. I don't think it was necessarily  
18 spelled out that they wanted a minor  
19 modifications, but I believe this is the way  
20 it's being presented. When I first read it  
21 and I opened up the discussion it looked as  
22 though they were asking to have the option.

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1 But I think after looking it over and over,  
2 they asked this to be a minor modification,  
3 and that's the way that I read this.

4 I mean, you really have to read it  
5 because if you look at page 2 the last  
6 paragraph which I have highlighted, but I open  
7 it up and wait for discussion.

8 VICE CHAIRMAN SCHLATER: So if we  
9 vote to approve this, effectively what is  
10 being modified?

11 CHAIRMAN HOOD: That question goes  
12 to?

13 VICE CHAIRMAN SCHLATER: OAG or  
14 OAG staff.

15 MR. RITTING: It isn't spelled out  
16 explicitly in the letter, but the way I  
17 interpret it is we would issue a minor  
18 modification order that would add a condition  
19 that would permit either of the options that  
20 are requested in the letter.

21 CHAIRMAN HOOD: My only problem  
22 with the way it was asked, and I'll say this

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1 for the record, is that typically when we do a  
2 PUD a PUD is what runs, what governs the land.

3 I don't think we don't give options, at least  
4 in this Commissioner's opinion, an option to  
5 come down and spend four hours with a PUD and  
6 leave the option up to the Applicant whether  
7 they build it as a matter-of-right. I think  
8 once we put a PUD in the process, that's what  
9 runs with the land. So that's why I look at  
10 this as a minor modification.

11 VICE CHAIRMAN SCHLATER: Why can't  
12 we just vote to end the PUD or put the end  
13 date of the PUD as the date of the order?

14 MR. RITTING: Well, the Commission  
15 could modify the term of the PUD or they could  
16 vote to rescind the PUD. However, neither of  
17 those options have been requested at this  
18 point.

19 CHAIRMAN HOOD: Certainly we would  
20 have to have that as a request. And I was  
21 trying to make reading what I had here in  
22 front of us as a request.

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1                   COMMISSIONER TURNBULL:  Mr. Chair,  
2           isn't the modification -- the modification is  
3           for the option to do it as a matter-of-right.  
4           It is either/or.

5                   CHAIRMAN HOOD:  Well, maybe what I  
6           read, then maybe I'm incorrect.

7                   Here's what I'm not trying to do:  
8           I'm not trying to give them an option.  And so  
9           if I didn't say that correctly, the issue is  
10          I'm not trying to give them the option.  
11          Because here's the thing, let me just read  
12          this.  And no disrespect intended, but it  
13          says:  "We believe that the matter-of-right  
14          development should be permitted on the  
15          property as a matter of course despite the  
16          approved PUD."  I don't agree with that.  So,  
17          whatever goes against that, that's where I am.

18                   COMMISSIONER MAY:  Well, so I  
19          understand your position, Mr. Chairman, and I  
20          agree with you that it should not be at this  
21          discretion to simply decide to develop as a  
22          matter-of-right.  And we've gone through this

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1 process, we're getting something; "we,"  
2 collectively the city is getting some benefit  
3 out of this because that's why when it is a  
4 PUD and they shouldn't have the option of  
5 simply walking away at their own discretion.

6 They're asking explicitly for the  
7 permission to go either way. So it couldn't  
8 happen without our agreeing. So, are you  
9 opposed to that as well? You don't want them  
10 to have an option period or you don't want  
11 them to have an option unless the Commission  
12 decides they should have an option?

13 CHAIRMAN HOOD: Well, it's  
14 definitely got to be I believe the Commission  
15 has to make a decision.

16 I guess what I'm trying to do is  
17 make reasoning what I have here in front of  
18 me.

19 COMMISSIONER MAY: Yes.

20 CHAIRMAN HOOD: Because I can tell  
21 you, you can go a couple of different ways  
22 when you read this and I have actually went a

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1 number of different ways. And I was trying to  
2 say we'll frame it as a minor mod, it goes  
3 along pretty much with Vice Schlater. Because  
4 if we wait until the PUD ends, which I know is  
5 not advantageous to the community because I  
6 think that's what? Six or eight months, ten  
7 months?

8 MR. RITTING: March 16, 2012.

9 CHAIRMAN HOOD: And we had an  
10 issue like this previously and I was trying to  
11 remember exactly how we dealt with that.

12 VICE CHAIRMAN SCHLATER: I think  
13 it got withdrawn before we finally dealt with  
14 the issue. It was up in your neck of the  
15 woods.

16 CHAIRMAN HOOD: I guess my  
17 question to my colleagues: Are we satisfied  
18 the way the request is? At least I'm trying  
19 to find ways to make this work. But are we  
20 satisfied with the way the request is  
21 presented to us?

22 COMMISSIONER MAY: Mr. Chairman?

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1 CHAIRMAN HOOD: Commissioner May?

2 COMMISSIONER MAY: Yes. If it's  
3 clear that the developer is not going to  
4 pursue and complete the PUD, then it seems to  
5 me that there ought to be a way for them to  
6 request getting out of it. And, you know I  
7 think that did come up in that prior case, but  
8 I also think that prior case had some  
9 extenuating circumstances associated with it.  
10 I can't remember what the complications were,  
11 but there were specific reasons why we were  
12 reluctant to simply grant what they had  
13 requested. And I don't think it had to do  
14 with the principle of not wanting to rescind  
15 an order.

16 And I think if we got a request to  
17 rescind the order, we might be more  
18 comfortable doing that rather than giving  
19 somebody the option. Because giving the  
20 option, then I think there is a concern about  
21 precedent for that and it would be something  
22 that would show up in draft orders or in final

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1 arguments, or something like that. You know,  
2 we try to play it both ways, we'd like to have  
3 the option of getting out. I think the idea of  
4 granting an option even explicitly is not a  
5 great thing. I'd rather receive a request to  
6 simply rescind and then vote that up or down.

7 CHAIRMAN HOOD: Let me hear from  
8 someone else.

9 COMMISSIONER TURNBULL: Yes, Mr.  
10 Chair, I would agree. Then I think because  
11 then the PUD in process proffers become  
12 meaningless. If an Applicant can go for a PUD  
13 and expect to build matter-of-right, well then  
14 the whole issue of why we're doing a PUD  
15 becomes senseless. I mean, to me it's the  
16 best of both worlds that you can do that then.

17 CHAIRMAN HOOD: I would love to do  
18 that.

19 COMMISSIONER TURNBULL: Yes, I  
20 mean any developer, any Applicant would want  
21 to do that. But what would that do for the  
22 community?

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1 To me it sets a bad precedent.

2 CHAIRMAN HOOD: And that's what,  
3 at least I don't want us to do.

4 Commissioner Selfridge?

5 COMMISSIONER SELFRIDGE: Thank  
6 you, Mr. Chairman.

7 You know I agree with the idea of  
8 you wouldn't want to set a precedent. I don't  
9 think people would necessarily go forward just  
10 to have that option. I mean, there's  
11 significant cost in filing and going forward  
12 with getting a PUD granted. With that being  
13 said, it seems like we can accomplish what's  
14 being requested here in just a different  
15 manner if we rescind the PUD or just  
16 accelerate the expiration date.

17 CHAIRMAN HOOD: Okay. First of  
18 all, we don't have the request in front of us.

19 MR. RITTING: Yes. I don't think  
20 you could do that at this point unless there  
21 was a request from the Applicant for either of  
22 those thing.

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1                   CHAIRMAN HOOD:     But can we delay  
2     this?   And after reading what I read, can we  
3     delay this, Mr. Ritting, and ask for -- I  
4     don't want to ask them for what they want to  
5     give us, but I think that they hear what we're  
6     saying and delay this, maybe two weeks?  
7     That's right, we don't meet anymore until  
8     September.

9                   VICE CHAIRMAN SCHLATER:     Is it  
10    possible to verbally modify their request if  
11    we called them up in the interest of two  
12    month's time going by?

13                  MR. RITTING:            I mean, that's  
14    highly unusual for you to take testimony.

15                  VICE CHAIRMAN SCHLATER:     We do  
16    bring people up, though, on occasion.

17                  MR. RITTING:     Well, I mean I don't  
18    have any objection to it.

19                  CHAIRMAN HOOD:     Our procedures are  
20    we typically bring them up if we're going to  
21    deny something.

22                  MS. SCHELLIN:     Chairman Hood, if I

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1 may, if the Commission is willing to waive the  
2 four day rule, tomorrow the staff could post a  
3 special public meeting and we could do this at  
4 6:15 on Thursday, have a special public  
5 meeting and ask the Applicant to amend their  
6 application. If that's what they want to do,  
7 we could have a special public meeting on  
8 Thursday.

9 CHAIRMAN HOOD: I just don't want  
10 us to get in the practice of telling them how  
11 to do it. But they've heard what --

12 MS. SCHELLIN: If they want to do  
13 it. I mean, you know --

14 CHAIRMAN HOOD: The issue of we  
15 may not get anything --

16 MS. SCHELLIN: Right. And we  
17 could do this at 6:15 on Thursday.

18 COMMISSIONER SELFRIDGE: When is  
19 the next meeting? Early September, right?

20 MS. SCHELLIN: September.

21 CHAIRMAN HOOD: September.

22 MS. SCHELLIN: But I think they

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1 have a contract purchaser, maybe, and time is  
2 of the essence. I don't think they have two  
3 months wait.

4 CHAIRMAN HOOD: So let's do this  
5 if Commissioners agree, let's deal with this  
6 on Thursday. Ms. Schellin, you do all the--

7 MS. SCHELLIN: We could post. Is  
8 the Commission willing to waive the four day  
9 rule?

10 CHAIRMAN HOOD: Commissioners, any  
11 objection?

12 I think that -- I'm not exactly  
13 sure who -- okay. I know that they're  
14 listening. So I think that they heard us loud  
15 and clear and on Thursday at 6:15?

16 MS. SCHELLIN: 6:15 we could do a  
17 special public meeting.

18 CHAIRMAN HOOD: Let's take this  
19 matter up at a special public meeting, okay?

20 MS. SCHELLIN: Okay.

21 CHAIRMAN HOOD: Okay,  
22 Commissioners? Any problems? Okay. Thank

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1 you.

2 MS. SCHELLIN: Okay.

3 CHAIRMAN HOOD: Okay. Next on the  
4 Consent Calendar Zoning Commission Case No.  
5 055-28G, Parkside Homes, LLC - Minor  
6 Modification to PUD at Square 5041. Ms.  
7 Schellin?

8 MS. SCHELLIN: Yes, sir. This  
9 case also is requesting a minor modification  
10 requesting to change the size and number of  
11 townhouse units changing from 14 foot wide to  
12 16 foot wide townhouses. Doing this would  
13 also result in some minor changes to the  
14 landscape plan setbacks and lot occupancy.

15 At Exhibit 4 you have an OP report  
16 supporting this request.

17 Staff would ask the Commission to  
18 consider this.

19 CHAIRMAN HOOD: Okay.  
20 Commissioners, again if we look at Exhibit 1  
21 on page 2, I don't have to repeat anything  
22 that Ms. Schellin's mentioned. This is the

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1 request in front of us.

2 And I probably should have asked  
3 this question: Does anyone think that this  
4 should come off the Consent Calendar? I  
5 should have asked that first.

6 Okay. Not hearing anyone or  
7 seeing any objection.

8 COMMISSIONER MAY: I'm sorry. I  
9 mean, the essential question for me is whether  
10 this is a minor modification or not. And if  
11 it's not a minor modification, then it would  
12 have to come off.

13 CHAIRMAN HOOD: And that's kind of  
14 where I was going.

15 COMMISSIONER MAY: Okay. Well, so  
16 no, I think maybe it's not a minor  
17 modification.

18 CHAIRMAN HOOD: Okay.

19 COMMISSIONER MAY: And we should  
20 discuss that issue.

21 CHAIRMAN HOOD: Well, in that case  
22 I think --

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1 MS. SCHELLIN: It only takes one.

2 CHAIRMAN HOOD: It only takes one  
3 Commissioner?

4 MR. RITTING: Yes. The rule is if  
5 one Commissioner believes it's not a minor  
6 modification, it's automatically moved to  
7 the--

8 COMMISSIONER MAY: Well, I'm not--  
9 I said maybe, so I'm just interested in some  
10 discussion on this topic.

11 MR. RITTING: Sorry. I  
12 misunderstood.

13 COMMISSIONER MAY: That's okay.

14 So does anybody else share some  
15 concern about whether or not this is a minor  
16 modification? I seems to me that changing the  
17 widths in themselves, if the design  
18 essentially stayed the same, you know I don't  
19 think that's a big deal. But we're talking  
20 about changing setbacks. I think generally to  
21 the betterment of the project it changes roof  
22 profiles and things like that as well. And we

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1 only see a sampling of how the elevations have  
2 changed. We don't see all of them.

3 It's also, you know I didn't see  
4 it stated in the application, but they're not  
5 just getting rid of the 14 foot wide  
6 townhouses, which I very much agree with it  
7 because that was critical of them in the first  
8 place and I have on other project been  
9 critical of 14 foot wide townhouses, but  
10 they're also eliminating -- or they're going  
11 to 16s and 20s. So they're eliminating the  
12 18. I'm not sure what the rationale is there,  
13 but that was not explicitly stated. It was  
14 kind of buried in there.

15 I mean, that's a relative -- I  
16 think a smaller point. The issue is there is  
17 enough things changing here that I just don't  
18 consider that minor, or I maybe don't.

19 CHAIRMAN HOOD: Is there anybody  
20 else?

21 COMMISSIONER TURNBULL: Mr. Chair,  
22 I think Commissioner May has got a point. I

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1 mean, the number of units isn't -- well, it's  
2 changing by 12; it's going from 112 to 100  
3 units. And I would agree that the units are  
4 changing for the better as far as size for the  
5 future residents there. And it may be worth it  
6 just to sit down and go through it and take a  
7 better look at the plans and just see how the  
8 arrangement lays out.

9 CHAIRMAN HOOD: Okay. Anybody  
10 else? Vice Chairman Schlater?

11 Vice Chairman Schlater?

12 VICE CHAIRMAN SCHLATER: Thank you,  
13 Mr. Chairman.

14 At first I looked at it and it  
15 seemed like there was a lot changing here.  
16 They're reducing number of unit by 12 percent,  
17 the actual square footage is going down about  
18 40,000 square feet overall, which is not  
19 insignificant. And I was trying to figure out  
20 where that 40,000 square feet went, but I  
21 think it might be that optional fourth floor.

22 My major problem with this is not

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1 that it's necessarily whether or not it's a  
2 minor mod, I just don't know if we have enough  
3 information to understand whether it's a minor  
4 modification.

5 The elevations on the townhomes  
6 have changed more than just the roof plan as  
7 well. So I'm trying to get my head around why  
8 those changes were made, whether it's an  
9 equivalent material, you know an equivalent  
10 quality.

11 I wouldn't be opposed to tabling  
12 it for a little while and coming back with  
13 more information or if the Applicant wanted to  
14 go through and just schedule the hearing, we  
15 could do that as well.

16 I think overall the site plan has  
17 remained largely the same and it's just -- and  
18 I don't have any objection to the reduction of  
19 the number of units. So I'm on the fence on  
20 this one. Honestly, I think I could -- I  
21 haven't seen anything that raises objections,  
22 but I'm a little worried by the amount of

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1 information we have in front of us.

2 CHAIRMAN HOOD: Okay. I think our  
3 rules say -- and that's why I asked the  
4 question at the beginning. I just wanted to  
5 get further clarification from Commissioner  
6 May about the maybe, because the maybe as far  
7 -- I kind of say I'm on the fence.

8 I looked at this as a minor  
9 modification, but I also mentioned that I  
10 thought about you when I looked at the 14 foot  
11 wide townhomes.

12 But let me just say this: If  
13 there's some reservation, we need more  
14 information, then I'll ask Mr. Ritting as  
15 opposed to us delaying this, I think what we  
16 can do is schedule this, if nobody wants to  
17 hear this, schedule this for a hearing.  
18 Because the "maybe" raised enough concerns to  
19 me to schedule this for a hearing to get the  
20 information in which the Vice Chairman, and  
21 you, Commissioner May, would like to get.

22 COMMISSIONER MAY: Yes. I think

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1 the better action at this point would be to go  
2 ahead and schedule a hearing for it rather  
3 then try to see if more information would  
4 address the concerns. Because, you know we  
5 may get more information and still decide that  
6 it's something that should have a hearing.

7 I mean, I think generally speaking  
8 what they've indicated that they're doing is  
9 positive, so I expect it to be a pretty  
10 straightforward hearing. But I just can't  
11 accept the notion that this really that minor.

12 CHAIRMAN HOOD: All right. So I'm  
13 going to ask Ms. Schellin and Mr. Ritting,  
14 once we take this off the Consent Calendar, do  
15 we have to then set it down for a hearing? I  
16 think the Office of Planning report alludes to  
17 -- hopefully this is the one. Where it says  
18 if don't keep it, we would like to use this  
19 report as the report for setting it down as a  
20 hearing. Did I get that right, Ms.  
21 Steingasser? I read it somewhere, I don't  
22 know if it was this one or not. Was it this

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1 one?

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: Okay. Good.

4 Okay. So we just automatically.

5 MS. SCHELLIN: You set it down.

6 CHAIRMAN HOOD: Okay. So this

7 will be item --

8 MS. SCHELLIN: E.

9 CHAIRMAN HOOD: -- E under Hearing  
10 Action.

11 And I don't know how much we need  
12 to discuss on it, because I think -- unless we  
13 just have to, there's something more we need  
14 the Applicant. Because I think we have --  
15 let's wait until we get there.

16 MR. RITTING: When this has  
17 happened before it's been moved down on the  
18 agenda and then the Office of Planning has  
19 been given a chance to present its report.

20 CHAIRMAN HOOD: Okay. So, we'll  
21 do that.

22 Okay. Thank you, Commissioners

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1 and everyone.

2 Let's move to Final Action.  
3 Zoning Commission Case No. 05-28C this is Lano  
4 Parcel 12, LLC - 2nd-Stage PUD and Related Map  
5 Amendment at Square 5055.

6 Ms. Schellin?

7 MS. SCHELLIN: Yes, sir. You have  
8 a supplemental report from DDOT at Exhibit 75.  
9 There was some information that the  
10 Commission had asked for, some further  
11 information.

12 And then at Exhibit 76 you have an  
13 NCPC report where they did not identify any  
14 impacts to the federal interests.

15 CHAIRMAN HOOD: Okay.  
16 Commissioners, we have requested final action.  
17 And, Ms. Schellin, what was that? The DDOT  
18 report?

19 MS. SCHELLIN: Exhibit 75.

20 CHAIRMAN HOOD: And that's in our  
21 packet along with Exhibit 76 as already  
22 mentioned by Ms. Schellin where the NCPC says

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1 that there would not be emphasis on the Comp  
2 Plan for the National Capital, nor would they  
3 adversely effect any other federal interest.

4 I think that the Applicant and  
5 DDOT are still disagreeing. I don't know if  
6 you guys remember the entrance off of  
7 Kenilworth. There's an entrance off of  
8 Kenilworth and there's one that goes around,  
9 I'm not if there's a street, but it's back on  
10 the side where the retail is. And I think --  
11 I'm sorry. Anything to help me recollect  
12 would be great.

13 So I think that was the issue  
14 where I think that if you look at what we have  
15 here in front of us where we're still apart  
16 and separate. And I think we need to decide  
17 whether or not we agree with the Applicant.  
18 And if we agree with the Applicant, we need to  
19 make sure that the order reflects that. Or if  
20 we don't agree with the Applicant and we agree  
21 with DDOT, then we need to make sure that the  
22 order reflects that.

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1                   Mr. Ritting, would you share some  
2 light for me?

3                   MR. RITTING:     Sure.     As we were  
4 reviewing the draft order that was provided by  
5 the Applicant in anticipation of this meeting,  
6 we noticed what appeared to be somewhat of a  
7 discrepancy between their draft finding of  
8 fact 41 that provided, in relevant part, that  
9 DDOT recommended that passenger vehicles be  
10 prohibited from entering or exiting the garage  
11 from Kenilworth Avenue. However, the Applicant  
12 provided testimony that to prohibit such  
13 movements may unnecessarily increase traffic  
14 in the neighborhood and may increase traffic  
15 on Kenilworth Terrace, which will accommodate  
16 the majority of the pedestrian traffic.

17                   And the inconsistency was they  
18 provided a draft condition that stated that:  
19 "The Applicant shall have the flexibility to  
20 work with DDOT to determine the feasibility of  
21 garage access from Kenilworth Avenue for  
22 passenger vehicles." If you believe that it's

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1 preferable to have passenger vehicles avoiding  
2 Kenilworth Terrace, then there's really no  
3 need to continue to work with DDOT regarding  
4 access from Kenilworth Avenue.

5 So our recommendation is if you  
6 believe that finding of fact 41 is correct,  
7 that you should delete condition 7. The  
8 thinking is if it is preferable to have some  
9 passenger access onto Kenilworth Terrace, then  
10 there's really no need to work with DDOT at  
11 all.

12 CHAIRMAN HOOD: Okay.  
13 Commissioners, I think that's the major issue  
14 in front of us. Any discussion? Any  
15 opinions?

16 MR. RITTING: I guess I should  
17 also say that if you agree with DDOT, then  
18 passenger access on Kenilworth Avenue should  
19 be prohibited, I would imagine. It's one or  
20 other, there's really nothing --

21 CHAIRMAN HOOD: It would be the  
22 reverse if we agree with the Applicant.

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Commissioners?

COMMISSIONER MAY: I forget. I mean, at this point there's access from both sides, there's access only from Kenilworth?

MR. RITTING: There's access on both sides. And the plan is that the loading will happen at Kenilworth Avenue. The Applicant's plans show passenger car access on both the avenue and the terrace. DDOT was requesting a change, basically, to prohibit passenger car access from the avenue, at least that's what they put in their original report.

So it was somewhat of an open issue and the Applicant presented evidence that they included in finding of fact 41 that in fact it's preferable to have passenger access from both of those places.

COMMISSIONER MAY: DDOT would prefer to have it from both of those places?

MR. RITTING: No. DDOT would prefer it only from the terrace.

COMMISSIONER MAY: Only from the

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1 terrae.

2 COMMISSIONER TURNBULL: The  
3 Applicant would prefer it from both.

4 CHAIRMAN HOOD: If you all  
5 remember, I think Commissioner Selfridge  
6 actually mentioned how the loading and stuff  
7 would happen at Kenilworth Avenue. And if you  
8 look at the DDOT report, Exhibit 75, it  
9 actually talks about what they were trying to  
10 do with that and how that would work out. How  
11 the Applicant will seek DDOT's guidance for  
12 appropriate truck routings, scheduling of  
13 permits in the order of Kenilworth Terrace and  
14 the Parkside neighborhood. And I think that  
15 that was your piece?

16 COMMISSIONER SELFRIDGE: Yes. I  
17 just remember that there was a lot of concern  
18 about even bringing truck in off of Kenilworth  
19 Avenue?

20 MR. RITTING: Right, and that was  
21 the subject of the supplemental DDOT report.

22 COMMISSIONER SELFRIDGE: Right.

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1                   MR. RITTING:       And the enhanced  
2 loading plan that was adopted.

3                   COMMISSIONER SELFRIDGE:     Right.  
4 There were some significant restrictions on  
5 the access of that loading dock, is that not  
6 correct?

7                   MR. RITTING:     That's correct, yes.

8                   COMMISSIONER SELFRIDGE:     It just  
9 seems to me that to now kind of go back and  
10 say that we're going to consider it along with  
11 passenger traffic would be contrary to kind of  
12 what we discussed and I think what we  
13 concluded during the hearing. So I'm not sure  
14 that that was something that we intended to  
15 undergo revision or further study.

16                   COMMISSIONER TURNBULL:     Yes. We  
17 had some changes on it, but if I recall,  
18 wasn't the parking going into the entrance of  
19 the medical building and then going down and  
20 then cutting into the college?

21                   COMMISSIONER SELFRIDGE:     I think  
22 it's coming down past the loading dock, if I

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1 recall, and now we're maybe recreating  
2 something that's not exactly correct. But  
3 then going up one of the side streets and then  
4 coming back around to Kenilworth Terrace and  
5 going in.

6 COMMISSIONER TURNBULL: Okay.

7 COMMISSIONER SELFRIDGE: And it  
8 was going past the loading area, though. And  
9 the idea that going past the loading area was  
10 that it would help mitigate traffic. Because  
11 that first street was -- I don't remember now  
12 what it was. But the first street, they went  
13 past the first street and came around.

14 But either way, the loading I  
15 think there was some negotiation to agree to  
16 allow loading from Kenilworth Avenue because  
17 there was concern about the impacts on traffic  
18 patterns and just, frankly, the dangerous  
19 nature of backing trucks.

20 COMMISSIONER TURNBULL: Yes.

21 COMMISSIONER SELFRIDGE: And  
22 weren't they backing trucks in?

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1                   CHAIRMAN HOOD: Well, I think when  
2 you chimed in and you raised concern about  
3 that, and I think that's how we got here, I  
4 believe.

5                   But let me say this, we have a  
6 request in front of us, and I'm looking here  
7 and I'm reading what the Applicant in findings  
8 of fact 41. I would ask my colleagues to look  
9 at that.

10                  I think that the Applicant makes a  
11 compelling case. You know, I wonder sometime,  
12 you know during the permitting process, Mr.  
13 Ritting, does DDOT -- can that be trumped? I  
14 mean if we go over this findings of fact 41,  
15 and DDOT did not sign off on it. I'm just  
16 trying to save some steps here because I  
17 actually agree with the Applicant.

18                  MR. RITTING: I'm not really sure  
19 what DDOT can or cannot do at that stage, to  
20 be honest with you. But what's at issue here  
21 is whether you're going to include a  
22 condition in your order that's going to

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1 require them to work together to determine the  
2 feasibility of garage access from the avenue.

3 If you still believe that this an  
4 issue that DDOT needs to determine, then  
5 perhaps it is a good idea to include such a  
6 condition in your order. And the Applicant  
7 agreed to include such a condition. So  
8 there's really no problem with allowing that  
9 issue to continue and I would just modify the  
10 findings of fact to eliminate the provision in  
11 41 that makes a definitive statement about  
12 whether it's preferable to have access from  
13 the avenue.

14 COMMISSIONER MAY: I agree with  
15 that.

16 CHAIRMAN HOOD: Okay. Yes.  
17 Because I'm concerned about that pedestrian  
18 traffic. So, if that would accomplish that,  
19 Mr. Ritting, and I guess if I don't hear any  
20 objection to what Mr. Ritting just said the  
21 way we could proceed, let's proceed in that  
22 fashion.

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Anything else? Any other items?

We have a proposed order in front of us. Make sure I have everything covered, we talked about NCPC's report? Okay. All right. Any other items, Commissioners, looking through your packages?

If not, I would move that we approve as amended dealing with the Applicant's request of how dealing with DDOT, and we'll leave that up to Mr. Ritting to finalize that findings of fact, but I would move that we approve Zoning Commission Case No. 05-28C, Lano Parcel 12, LLC - 2nd-Stage PUD and Related Map Amendment at Square 5055 and ask for a second.

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: It's been moved and properly seconded. Any further discussion? Are you ready for the question?

All those in favor, aye.

ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you please

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1 record the vote?

2 MS. SCHELLIN: Yes. Staff records  
3 the vote 4-to-0-to-1 to approve Final Action  
4 in Zoning Commission Case No. 05-28C as  
5 amended. Commissioner Hood moving,  
6 Commissioner May seconding, Commissioners  
7 Selfridge and Turnbull in support,  
8 Commissioner Schlater not voting having not  
9 participated.

10 CHAIRMAN HOOD: And,  
11 Commissioners, I want to thank you all for  
12 that case. I think we've had like three cases  
13 right in the same area. So I'm trying to  
14 remember some of this stuff gets --we're only  
15 down here two or three times a week, so I'm  
16 trying to remember some of this stuff gets  
17 real easy.

18 Okay. Next, Zoning Commission  
19 Case No. 06-11C/06-12C, George Washington  
20 University - Square 39. First is the 2nd  
21 Stage PUD and second is the further  
22 processing. We've already done proposed

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1 action.

2 Ms. Schellin?

3 MS. SCHELLIN: Yes, sir. At  
4 Exhibit 43 there is a letter from NCPC stating  
5 that we do work closely together, our office  
6 and their office, and sometimes the timing  
7 doesn't quite work out, and this is one of the  
8 cases that when we referred it to them they  
9 were not able to put it on one of their  
10 agendas in order to take formal action. But  
11 they did state that their staff review did not  
12 identify any impacts to federal interests,  
13 however as I said, that there was no official  
14 action.

15 CHAIRMAN HOOD: So we don't have a  
16 request, Ms. Schellin? I think I left mine  
17 back on the table. But we don't have a request  
18 to hold off our action?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Okay.

21 MS. SCHELLIN: No, sir.

22 CHAIRMAN HOOD: All right.

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1 Commissioners, we have some -- and I'm not  
2 sure. This came up at the hearing about the  
3 relocation of the oncology unit at 1250 23rd  
4 Street, and I'm not sure who asked for it, but  
5 we did get a response. And it says:  
6 "Universal Health Services is in the process  
7 of identifying a new location that would allow  
8 for a matter-of-right use and is considering  
9 various options including space in  
10 commercially zoned buildings on K Street  
11 Northwest which already contain similar  
12 medical office uses. UHS expects to complete  
13 this process and relocate the unit in time to  
14 permit the construction of the SPHHS  
15 facility." So there's a lot of acronyms there  
16 and me not being a medical doctor, I have to  
17 look and see what it stands for.

18 But anyway, I think, I'm not sure,  
19 I think the community brought that up and I'm  
20 seeing thumbs up. So I guess we're moving all  
21 right then. Maybe I should be quiet while  
22 we're ahead. That's probably what I should do:

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1 Be quiet while we're ahead.

2 Okay. Anything else,  
3 Commissioners?

4 COMMISSIONER MAY: There was a  
5 modification in one of the conditions in the  
6 order.

7 CHAIRMAN HOOD: Do you want to --

8 COMMISSIONER MAY: No. I think  
9 it's just to -- it was condition 48 and it  
10 just spelled out in greater detail the reasons  
11 for support from the West End Citizens  
12 Association for the project, and I think  
13 that's pretty straightforward and agrees with  
14 the facts of the case.

15 CHAIRMAN HOOD: It says support  
16 from the West End Citizens Associations?

17 COMMISSIONER MAY: Yes. Yes.

18 CHAIRMAN HOOD: Let's move right  
19 now. Okay. Any further discussion? Anything  
20 else? I just want to make sure we cover  
21 everything. Okay.

22 With that, let me hurry up and do this,

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1 I move that we approve Zoning Commission Case  
2 No. 06-11C/06-12C, George Washington  
3 University Square 39 2nd Stage Pud along with  
4 the further processing and ask for a second.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRMAN HOOD: It's been moved  
7 and properly second. Any further discussion?  
8 Are you ready for the question?

9 All those in favor, aye.

10 ALL: Aye.

11 CHAIRMAN HOOD: Not hearing any  
12 opposition, Ms. Schellin, would you please  
13 record the vote?

14 MS. SCHELLIN: The staff would  
15 record the vote four-to-zero-to-one to approve  
16 Final Action in Zoning Commission Case No. 06-  
17 11C/06-12C approving 2-Stage and the further  
18 processing case. Commissioner Hood moving,  
19 Commissioner Turnbull seconding, Commissioners  
20 May and Selfridge in support. Commissioner  
21 Schlater not voting having not participated.

22 CHAIRMAN HOOD: Okay. Next let's

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1 go right into Hearing Action. Zoning  
2 Commission Case No. 07-21B, Per Star M Street  
3 Partners, LLC - Modification to PUD at Square  
4 50.

5 Mr. Cochran?

6 MR. COCHRAN: Thank you, Mr. Chair  
7 and Members of the Commission.

8 The Commission has approved a  
9 consolidated PUD for the construction of a  
10 hotel in the CR zone on the northwest corner  
11 of 22nd and M Street Northwest.

12 OP recommends the Commission  
13 setdown this request for a major modification  
14 to the PUD.

15 When the project was approved and  
16 when the Commission granted an extension, the  
17 address was known as 2213 M Street. It's now  
18 being referred to as 2201 M Street.

19 Per Star M Street Partners, LLC  
20 has had difficulty finding financing for the  
21 approved boutique hotel, which would have been  
22 the first of a proposed new brand. The

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1 Applicant is now proposing the construction of  
2 an established brand operated by a well known  
3 hotel developer. The application seeks  
4 approval of modifications to change the facade  
5 design, increase the hotel's room count and  
6 increase marginally the building's FAR.

7 With the increased room count the  
8 project requires relief from living  
9 requirements, which was not previously  
10 necessary.

11 The Applicant also requests  
12 increased relief from parking requirements and  
13 slight changes to the relief from roof  
14 structure setback. The building would now be  
15 three feet shorter, it would no longer need  
16 from the requirement for direct access to  
17 parking spaces or from the single roof  
18 enclosure requirement.

19 The application also requests a  
20 modification to the approved relief from the  
21 CR zone's requirement for publicly accessible  
22 space at the ground level. The compensatory

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1 space would be essentially the same as what  
2 the Commission had approved, but there would  
3 no longer be public access to the roof terrace  
4 because the hotel's new program replaces that  
5 with an exercise pool for hotel guests.

6 The proposed project would remain  
7 not inconsistent with the Comprehensive Plan.

8 The benefits and amenities would remain the  
9 same as those already approved.

10 For these reasons OP recommends  
11 the Commission setdown the modification for  
12 public hearing.

13 CHAIRMAN HOOD: Okay. Thank you,  
14 Mr. Cochran.

15 Commissioners, any questions or  
16 comments?

17 COMMISSIONER MAY: I have a  
18 question and/or comment.

19 I remember this case before. I  
20 remember there being a significant issue with  
21 the property immediately to the west. And I'm  
22 wondering, can you tell me more about that

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1 particular property? That's not a historic  
2 property, is it?

3 MR. COCHRAN: No, it is not.

4 COMMISSIONER MAY: Okay. So the  
5 expectation is that eventually it would be  
6 redeveloped to a building of similar size?

7 MR. COCHRAN: Given its current  
8 height, that's certainly a possibility.

9 COMMISSIONER MAY: Right. Okay.

10 One of the things that I remember  
11 being uncomfortable about in the original  
12 project was the fact that the penthouse  
13 extends all the way to, I guess, the north  
14 wall and the west wall. I don't remember so  
15 much about the north wall in the original  
16 project, but certainly on the west wall. And  
17 I know that in a circumstance like this, even  
18 under the new Zoning Regulations I think  
19 something like this would be allowed in  
20 anticipation of there eventually being a  
21 taller building there. However, the treatment  
22 that they've chosen to do for the facade there

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1 seems to deliberately emphasize the extension  
2 of the penthouse. You know, it's that same  
3 color all the way to through the facade so it  
4 makes the penthouse seem like it's just this  
5 giant shaft running up the side of the  
6 building and emphasizes it and increases the  
7 perception of the height.

8 I mean, if you look at A-3 the  
9 images of that building from M Street, I mean  
10 it just makes it seem so much taller.

11 First of all, I would love it if  
12 the Penthouse actually backed away from those  
13 side walls because who knows when those  
14 buildings adjacent are going to actually be  
15 redeveloped. But if it's absolutely  
16 impossible to set those away from the  
17 building, then they should be treated in a  
18 manner that does not make them this sort of  
19 this very tall feature on the end walls.  
20 Because I think that unnecessarily emphasizes  
21 the penthouse and the height of the penthouse  
22 over the building itself.

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1           That's the major comment I have,  
2           and there are minor comments, too. In some  
3           ways it's kind of unfortunate the way this  
4           project has probably necessarily had to change  
5           because there were some interesting things  
6           about it, some unique features in the original  
7           project that have been lost. But I think that  
8           this for what it is, I mean that it still  
9           looks like it'll be a fine building. But I can  
10          limit I think innovative features lost.

11                   CHAIRMAN    HOOD:           Any other  
12          comments? Commissioner Turnbull?

13                   COMMISSIONER    TURNBULL:           Yes.  
14          Commissioner May, maybe help remind me, this  
15          issue did come up before about the penthouse  
16          and the wall?

17                   COMMISSIONER    MAY:           Yes, and I  
18          think the treatment of it was changed along  
19          the west side wall. I don't remember how it  
20          changed. I know I don't have any of those  
21          records anymore. I could probably --

22                   COMMISSIONER    TURNBULL:           What if it

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1 was a homogeneous color on that side?

2 COMMISSIONER MAY: Yes, that  
3 certainly would help. I also frankly think  
4 that it helps when it's not that very white  
5 color.

6 COMMISSIONER TURNBULL: Right.

7 COMMISSIONER MAY: I think you got  
8 a point there, I don't know. But I'm not  
9 totally -- I remember there being some of the  
10 unusual features of the design in the previous  
11 iteration of this building necessitated  
12 keeping the penthouse all the way at the  
13 extreme ends of the building. I'm not sure  
14 that that case still applies here. That there  
15 might be greater flexibility here to push the  
16 penthouse away from that edge. If not, you  
17 know the full setback, you know one-to-one  
18 setback, may be some distance. I think it  
19 would help because for a long time we're going  
20 to be seeing this building along M Street and  
21 all of it is penthouse height.

22 COMMISSIONER TURNBULL: Well, the

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1 only thing I see on the floor plan is that  
2 there is a stairwell at the end; that's the  
3 main issue.

4 COMMISSIONER MAY: Yes. And I've  
5 seen this stairwell situation --

6 COMMISSIONER TURNBULL: Before?

7 COMMISSIONER MAY: -- before and  
8 revised.

9 COMMISSIONER TURNBULL: Right.

10 COMMISSIONER MAY: And that it had  
11 to be revised to avoid relief that maybe  
12 couldn't be granted.

13 COMMISSIONER TURNBULL: Yes.

14 COMMISSIONER MAY: Any other  
15 comments, questions? Vice Chairman Schlater?

16 VICE CHAIRMAN SCHLATER: Thank  
17 you, Mr. Chairman.

18 A couple of comments. One is on  
19 the parking. I looked at the parking memo  
20 from Wells & Associates, and it didn't really  
21 address the fundamental question of parking on  
22 this project.

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1                   We've increased the number of  
2 rooms, decreased the number of spaces. West  
3 End is a difficult place to park in as it is,  
4 so I think some information in regards to that  
5 would be helpful.

6                   I'd also like to get some  
7 information about the plan for the retail  
8 spaces. Are those going to directly accessible  
9 from the street, or those hotel-serving? Do  
10 you know the answer to that?

11                  MR. COCHRAN: Yes. The retail  
12 space is proposed to be a restaurant. In good  
13 weather that restaurant would have those full  
14 doors that open floor to ceiling out to the  
15 street.

16                  VICE CHAIRMAN SCHLATER: Is that  
17 like a hotel buffet where you get your  
18 breakfast and sort of go onto the street?

19                  MR. COCHRAN: No. It's intended  
20 to be a full restaurant.

21                  VICE CHAIRMAN SCHLATER: Okay.

22                  MR. COCHRAN: It complies with a

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1 vision that the earlier design and the  
2 Commission had for that area being a publicly  
3 accessible space.

4 VICE CHAIRMAN SCHLATER: Okay. I  
5 think that's it, Mr. Chairman.

6 In general, like Commissioner May,  
7 that original design was exciting in many  
8 different ways and it seems to have fallen  
9 victim to the economy, unfortunately. But I  
10 think that this design that we have before us  
11 is still a high quality and I'm prepared to  
12 move it forward tonight.

13 CHAIRMAN HOOD: Mr. Cochran, in  
14 looking at this, it looks like we're probably  
15 going to set this down, I believe. But I'm  
16 curious in your report it talks about the 100  
17 new jobs that have been executed in the  
18 Certified Business Enterprise Utilization  
19 Agreement. I believe when you say "executed,"  
20 it's more than signed? It's just more than  
21 just parties agreeing to sign. Something  
22 obviously has happened here, especially when I

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1 see the anticipated 100 new jobs.

2 I want to know what are the jobs  
3 and how are they working with the -- who is  
4 doing these 100 new jobs or who is anticipated  
5 for these 100 new jobs? Someone just signed  
6 an agreement, I want to just expand on that  
7 since it's here and in this modification we  
8 can see, this is already under way.

9 Let me ask you this, though, Mr.  
10 Cochran, you may have mentioned this in your  
11 comments. I know there are two points you had  
12 in your recommendation. Are those two points  
13 still as well -- I know one of them is, but  
14 are the two points still outstanding? If the  
15 request to setdown happens, should consult  
16 with DDOT about implications of the proposed  
17 changes in room counts and parking  
18 arrangements. And you may have mentioned  
19 this. I may just have missed it.

20 MR. COCHRAN: Both of those are  
21 still outstanding, yes.

22 CHAIRMAN HOOD: Okay. Okay.

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1 Anything else, any other questions for Office  
2 of Planning? Okay.

3 Commissioners, anybody like to  
4 make a motion to setdown? Vice Chairman  
5 Schlater?

6 VICE CHAIRMAN SCHLATER: Mr.  
7 Chairman, I vote that we setdown Zoning  
8 Commission Case No. 07-21B Per Star M Street  
9 Partners, LLC - Modification to PUD at Square  
10 50.

11 CHAIRMAN HOOD: Okay. Thank you.  
12 Is there a second?

13 COMMISSIONER MAY: Second.

14 CHAIRMAN HOOD: It's been moved  
15 and properly second. Any further discussion?  
16 Are you ready for the question?

17 All those in favor, aye.

18 ALL: Aye.

19 CHAIRMAN HOOD: Not hearing any  
20 opposition, Ms. Schellin, would you please  
21 record the vote?

22 MS. SCHELLIN: Yes. Staff would

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1 record the vote five-to-zero-to-zero to  
2 setdown Zoning Commission Case No.07-21B as a  
3 contested case. Commissioner Schlater making  
4 the motion, Commissioner May second,  
5 Commissioners Hood, Selfridge and Turnbull in  
6 support.

7 CHAIRMAN HOOD: Okay. Thank you.

8 Let's move right along, Zoning  
9 Commission Case No. 11-11, 1711 Florida  
10 Avenue Property, LLC - Consolidated PUD and  
11 Related Map Amendment at Square 2562.

12 Mr. Cochran, is that you again?

13 MR. COCHRAN: That's correct, Mr.  
14 Chair.

15 CHAIRMAN HOOD: Okay.

16 MR. COCHRAN: OP recommends that  
17 the Commission setdown for a public hearing  
18 the application for a consolidate PUD at 1711  
19 Florida Avenue with the related Map Amendment  
20 from C-2-B with the Reed-Cooke Overlay to C-2-  
21 B without the Reed-Cooke and with relief from  
22 rear yard and roof structure requirements.

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1           The property is on the north side  
2 of Florida Avenue just across Champlain Street  
3 from the Marie Reed School playing fields.

4           The Applicant proposes to retain  
5 most of the group parking garage that's now on  
6 the site and build an 80 foot high 5.8 FAR  
7 building above and around it. The top floor  
8 would be setback at the 70 foot level.

9           In the new construction there  
10 would be 125 to 135 apartments, ten percent of  
11 which would be affordable.

12           The existing garage would contain  
13 the project's parking and loading and 850  
14 square feet of community space.

15           5500 square feet of commercial  
16 space would front on Florida Avenue and would  
17 be split between the new construction and the  
18 existing garage.

19           The Applicant has requested the  
20 related rezoning to allow for the additional  
21 height density and uses that are now  
22 restricted by the overlay.

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1                   The project's benefit and  
2 amenities are listed on page 9 of OP's report.

3           The most significant proffers are:

4                   A LEED Silver certificability;

5                   A first source agreement'

6                   An additional two percent of  
7 affordable housing;

8                   The community space;

9                   Funding for a study to propose  
10 improvements to the Marie Reed open space; and

11                   A general commitment to fund some  
12 of the improvements that the city might  
13 recommend.

14                   The Applicant has also proffered  
15 to develop an agreement with the neighborhood  
16 regarding the building's commercial uses that  
17 would retain the overlay's ban on packaged  
18 liquor sales and would prohibit any restaurant  
19 in the building from obtaining a tavern  
20 license.

21                   The application is not in  
22 consistent with the preponderance of the

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1 Comprehensive Plan. The PUD would promote  
2 Citywide Elements by providing new housing and  
3 mixed uses on an under utilized commercially  
4 zoned site and by improving the visual  
5 character of the street defining the boundary  
6 of the L'Enfant city.

7 The building would improve 0.25  
8 FAR of commercial uses on the site the Future  
9 Land Use Map shows as being suitable for low  
10 density commercial. The generalized policy  
11 map simply shows the site is an area with  
12 little land use change.

13 The project would also not be  
14 inconsistent with the mid-city elements of  
15 Reed-Cooke policy which emphasizes the need  
16 to:

17 Protect existing housing within  
18 the neighborhood;

19 Maintaining height and density at  
20 appropriate levels, and;

21 Encouraging small scale business  
22 development that does not adversely effect the

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1 residential community.

2 The proposed development would not  
3 threaten existing housing. The two story  
4 rowhouses across Florida Avenue and V Streets  
5 are already protected by the Strivers' Row  
6 Historic District. There is no other housing  
7 adjacent to or facing onto the site.

8 The PUD would result in new  
9 housing on the site where the adjacent uses  
10 are in the production, distribution and repair  
11 categories. The proposed development would  
12 actually be a better bridge than the current  
13 garage between the residential uses to the  
14 south and Dupont Circle and Strivers' Row, and  
15 the residential uses in the rest of the Reed-  
16 Cooke Overlay to the north and east.

17 The low density commercial uses  
18 would also not compromise one of the primary  
19 objectives of the overlay, which is to stop  
20 18th Street uses from expanding into the heart  
21 of Reed-Cooke onto Kalorama Road and Champlain  
22 Street above Kalorama Road.

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1                   There are issues that would need  
2 to be discussed if the application was  
3 setdown, including height, the relationship  
4 between the Florida Avenue facade and the  
5 historic district, and the scope of the  
6 proffered benefits.

7                   OP recommends that the Commission  
8 setdown Application 11-11 and that the  
9 Applicant address these issues by the public  
10 hearing.

11                   CHAIRMAN HOOD:   Okay.  Thank you,  
12 Mr. Cochran.

13                   Commissioners, any comments or  
14 questions of Mr. Cochran or the Office of  
15 Planning?

16                   Mr. Cochran, let me just ask on  
17 page 11 of your report it talks about a number  
18 of meetings that have been held.  And I know  
19 in your report, much of it talks about  
20 community comments.  Preliminarily, what has  
21 been the feedback thus far?  Positive,  
22 negative, still unsure, still working, a work

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1 in progress?

2 MR. COCHRAN: Mr. Chair, I have  
3 not been to any of these meetings. The first  
4 meeting I will have with the community will be  
5 on August 1st with the ANC, so I can't  
6 characterize it.

7 CHAIRMAN HOOD: Okay. And from  
8 Office of Planning's standpoint, I'm just  
9 going to ask this because when I look at this,  
10 I'm looking at how your recommendation, OP  
11 recognizes that the Comprehensive Plan must be  
12 considered. Is this consistent with the Comp  
13 Plan?

14 MR. COCHRAN: As my testimony  
15 said, it's not inconsistent which is the test.

16 CHAIRMAN HOOD: Okay. We're not  
17 going to go to the consistent/inconsistent.  
18 So I understood with how we started with this  
19 recommendation, "OP recognizes the  
20 Comprehensive Plan must be considered." This  
21 kind of reminds me of a -- I'm not going to  
22 say a campus plan. I mean I like the way it's

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1 worded, but I just wanted to make sure.  
2 Because when we're doing the campus plans we  
3 start off with that, and there are a lot of  
4 other factors that come into play. So I was  
5 just making sure that this is consistent with  
6 the Comp Plan. And as you stated in your  
7 testimony, this is not inconsistent with the  
8 Comp Plan?

9 MR. COCHRAN: Yes. The emphasis  
10 of that phrase was that it must be considered  
11 in a broader context than is usually the case.  
12 Every case has to consider the Comprehensive  
13 Plan.

14 CHAIRMAN HOOD: Okay. And in this  
15 case it is not inconsistent with the  
16 Comprehensive Plan?

17 MR. COCHRAN: That is OP's  
18 opinion.

19 CHAIRMAN HOOD: Okay. All right.  
20 Let me open it up. Any other questions or  
21 comments?

22 COMMISSIONER TURNBULL: Yes, Mr.

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1 Chair.

2 Mr. Cochran, good evening.

3 So this really sounds like one of  
4 your most tenuous inconsistent rulings. I  
5 mean, I'm just doing it because there are  
6 several parts in here where you said the  
7 Comprehensive Plan must be considered in a  
8 broader context, which sort of leads me to  
9 believe that there are still some doubts about  
10 some issues on here for you and you're  
11 relating that to the context of this site.  
12 But I guess what bothers me is I worry about  
13 muddying up overlays and changing overlays  
14 without a lot of community input since it's  
15 the community that wants these overlays to  
16 protect their neighborhood. So I'm a little  
17 bit antsy and feel a little bit tenuous when -  
18 - I guess I'd like to see some stronger  
19 elements presented that we should go ahead and  
20 do this.

21 And I guess based upon the current  
22 overlay, they're really getting an additional

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1 30 feet in height, but there's only 2 percent  
2 more IZ. It sounds like they're getting a lot  
3 for -- it doesn't seem to be a lot of -- I  
4 mean you could talk about the architecture,  
5 you could talk about the commercial. But it's  
6 just I'm still worried about what the  
7 community really is getting with this  
8 building.

9 I think in one sense since the  
10 existing housing is to the south, I think from  
11 a shady study the building shouldn't impact  
12 too many existing residential elements in the  
13 area. So I'm not worried about that.

14 But I guess I'm just worried about  
15 ANC input, community input and making sure  
16 that, again, looking at the overlay that  
17 everybody's on board with this. As I say, I'm  
18 a little bit antsy about modifying overlays a  
19 lot, I mean unless we got tremendous feedback  
20 from the community.

21 MR. COCHRAN: Of course, all of  
22 those will be considered during the public

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1 hearing and well before that with community  
2 discussions and, undoubtedly, future testimony  
3 by the community.

4 COMMISSIONER TURNBULL: And this  
5 building is slated for LEED Silver?

6 MR. COCHRAN: It's another project  
7 that is designed to be certifiable as LEED  
8 Silver, but again --

9 COMMISSIONER TURNBULL: It would  
10 not be --

11 MR. COCHRAN: -- the Applicant  
12 would likely not choose to --

13 COMMISSIONER TURNBULL: Go for the  
14 certification?

15 MR. COCHRAN: -- go for the  
16 certification and would rather spend the money  
17 elsewhere, like on open space.

18 COMMISSIONER TURNBULL: Okay.  
19 Thank you.

20 CHAIRMAN HOOD: Anybody else? Any  
21 more comments.? Commissioner May?

22 COMMISSIONER MAY: Thank you.

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1                   Yes, I do think we will need to  
2                   have a more detailed conversation about the  
3                   Future Land Use Map designation for this  
4                   property and how this proposed building would  
5                   be consistent with that, or would be not  
6                   inconsistent with it. So, I do have that  
7                   concern as well.

8                   It'll be interesting to hear what  
9                   the community is when you get to the hearing.

10                  And I don't answers about this  
11                  right now, but I'm a little confused about  
12                  what's going on on the roof of the building  
13                  based on the drawings that we've received.  
14                  And just a reminder, I'm a bit of stickler  
15                  about having too many things popping up in too  
16                  many different places and making sure that  
17                  what's happening is in fact consistent with  
18                  our rules for penthouses.

19                  I mean, I know as usual with a  
20                  residential building you have widely separated  
21                  staircases so that often drives needing to  
22                  have some separate structures. But the use of

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1 the roof, I don't quite understand it. So I'm  
2 sure it'll all be explained in the hearing, I  
3 just wanted to point out that I'm going to  
4 have questions about that.

5 That's it.

6 CHAIRMAN HOOD: Commissioner  
7 Selfridge?

8 COMMISSIONER SELFRIDGE: Thank  
9 you, Mr. Chairman.

10 You know, I guess I share Mr.  
11 Turnbull's or I appreciate Mr. Turnbull's  
12 comments about covering up the overlay. But  
13 certainly what's being proposed here is an  
14 improvement of what's there currently. So I  
15 think in that respect it's worth hearing a lot  
16 more and getting to a hearing. I think that's  
17 been a bit of a sore spot on that corner for a  
18 long time.

19 I also know that that community is  
20 very active and a sophisticated community when  
21 it comes to these types of issues. So I'm  
22 sure we're going to get significant feedback

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1 during the hearing process. So I'm not sure  
2 that concerns me very much.

3 I did see something that struck  
4 them, though, just in the proffers of the  
5 Applicants that they were going to fund a  
6 concept study to possibly partially fund  
7 improvement Marie Reed open space.

8 You know, in my short time here  
9 I've seen a lot of studies funding things that  
10 will never happen. So, I just wonder if down  
11 the road when they look at these proffers that  
12 maybe we can actually get some dollars into  
13 improving the park; that this is something  
14 that the ANC and the community will bring up  
15 during those discussions. I think that'll be a  
16 better use of the money.

17 But I think, and certainly if  
18 there's a hearing.

19 CHAIRMAN HOOD: Thank you. And I  
20 think that point is very well taken.

21 Okay. Any other questions? Vice  
22 Chairman Schlater?

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1                   VICE    CHAIRMAN   SCHLATER:        Mr.  
2           Chairman, like Commissioner Selfridge, I think  
3           the goal of replacing that parking facility  
4           with a residential building is a very laudable  
5           one and something we should support trying to  
6           get there on.   And I think its impacts are  
7           limited, given that it backs up to a Pepco  
8           facility, is located right next to a storage  
9           facility.   So I'd very much like to see this  
10          site go residential.

11                   I would say that the amount of  
12          relief that's being requested is significant  
13          and the amount of benefits and amenities being  
14          proffered is limited.   I think the affordable  
15          housing barely counts, in my book.   And I  
16          didn't see much else that would convince me  
17          that the benefits, you know meet the balancing  
18          test that we're forced to be given.

19                   I think it's light enough that we  
20          could send them back tonight to come back with  
21          a new package before we set it down.   In fact,  
22          I think it's that light.

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1 I also think that the building  
2 itself for the amount of relief we're granting  
3 is fairly, unfortunately, standard for  
4 residential buildings we're seeing going up  
5 around the District. And for us to be giving  
6 a lot of density and for us to be crediting a  
7 project with outstanding superior architecture  
8 and urban design, I think we need more from  
9 the Applicant than we're getting on this case.

10 So, I am supportive of this  
11 project going residential. I'm certainly open  
12 to rezoning to the zone they've requested. I  
13 think it could be consistent with or not  
14 inconsistent with the Comprehensive Plan. But  
15 I think the application needs work, and I'm  
16 not sure it's there yet.

17 CHAIRMAN HOOD: Okay. Let me ask,  
18 does anyone, and Vice Chairman Schlater, maybe  
19 you could go back and start looking at the  
20 benefits again. Does anyone else kind of feel  
21 that way?

22 COMMISSIONER SELFRIDGE: Mr.

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1 Chairman--

2 CHAIRMAN HOOD: Take a moment, if  
3 you need a moment, to take a moment to  
4 familiarize yourself with what's being  
5 offered.

6 COMMISSIONER SELFRIDGE: Mr.  
7 Chairman, I think the Vice Chairman makes a  
8 very good point. And certainly the Applicant  
9 has heard him and the Commission loud and  
10 clear and, hopefully, will address that very  
11 large concern in the hearing process.

12 CHAIRMAN HOOD: Okay. But I think  
13 -- I think if I heard the Vice Chairman  
14 correctly, you're ready for us to table this  
15 and let them come back at another time, which  
16 would be in September. Is it September, is  
17 that our next meeting?

18 MS. SCHELLIN: The 12th.

19 CHAIRMAN HOOD: Okay. Does anyone  
20 else feel that way, that's what I'm trying to  
21 get a feel? Anyone else?

22 I know I've heard from

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1 Commissioner Selfridge, from Vice Chairman  
2 Schlater. Commissioner May, how do you feel?

3 COMMISSIONER MAY: Yes, it did  
4 strike me that this is a very significant  
5 addition of density that's being requested  
6 here.

7 And in terms of the benefits and  
8 amenities that go with it, yes, I would agree  
9 it's not there.

10 Is it worth sending them back now?

11 I don't know. I don't feel so strongly about  
12 it but if others on the Commission wanted to  
13 send it back or to hold off on setting it down  
14 in anticipation of a better package, I'd be  
15 fine with that.

16 COMMISSIONER TURNBULL: Well, and  
17 it also might give some more opportunity of  
18 meeting with the community to get something.

19 CHAIRMAN HOOD: And I agree with  
20 that, Commissioner Turnbull. I was thinking--

21 COMMISSIONER TURNBULL: Of course,  
22 I don't THINK the ANC will meet in August.

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1 CHAIRMAN HOOD: Well, they meet  
2 August 1st.

3 COMMISSIONER MAY: Excuse me.  
4 That's the Planning and Zoning Committee. The  
5 ANC doesn't meet again until September.

6 CHAIRMAN HOOD: I was about to  
7 really say kudos to 1-C meeting in August.

8 MS. SCHELLIN: We have a second  
9 meeting in September.

10 CHAIRMAN HOOD: Yes, we do have a  
11 second meeting in September. Thank you, Ms.  
12 Schellin.

13 But I also thought about that also  
14 and if we do our second meeting, that would  
15 give the full ANC I think hopefully time  
16 enough to weigh in.

17 And, yes, I would have to agree  
18 with you, Vice Chairman, when you relook at  
19 it, it is rather light. But we've done it  
20 both ways. We've put it off and we've also  
21 let them know that it is rather light and when  
22 they come for a hearing it needs to be taken

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1 care.

2 So I think because of the second  
3 meeting, because of the Vice Chairman's  
4 request and the comments I've heard from my  
5 colleagues, I would also go along with putting  
6 this aside and we'll take this back up  
7 September--

8 MS. SCHELLIN: September 26th.

9 CHAIRMAN HOOD: -- 26th. And I  
10 hope the Applicant has had clear direction,  
11 especially with the benefits package and the  
12 public amenities and what's being offered with  
13 the amount of what's being requested. We ask  
14 you to look at that, it's rather light, and we  
15 will -- hopefully the ANC, the full ANC will  
16 hopefully be able to weigh in by our second  
17 meeting in September.

18 So, we all in agreement,  
19 Commissioners? Okay. So, we'll take this  
20 back up in September.

21 MS. SCHELLIN: You're asking the  
22 ANC to run it through OP, because we don't--

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1                   CHAIRMAN HOOD:           Exactly, I'm  
2 talking off the top of my head. I'm just  
3 saying hopefully by that time that we'll see a  
4 little more in the package. Because Mr.  
5 Cochran has already testified that he has not  
6 had a chance to sit down and talk to those in  
7 the community, am I correct?

8                   MR. COCHRAN: That's correct.

9                   CHAIRMAN HOOD: Okay. That's all  
10 I was saying. Not that they're going to give  
11 us a report or a second, or anything of that  
12 nature. No, I'm not asking for that. I'm just  
13 asking that when we ask additional questions,  
14 we'll be asking Mr. Cochran, not the ANC.  
15 Okay?

16                   All right. So we will table that  
17 and deal with that in September.

18                   Next, Zoning Commission Case No.  
19 11-12, this is the EastBanc-W.D.C. Partner,  
20 LLC - Consolidated PUD and Related Map  
21 Amendment at Square 37.

22                   Ms. Brown-Roberts?

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1 MS. BROWN-ROBERTS: Good evening,  
2 Mr. Chairman, and thank you. And Members of  
3 the Commission.

4 I am Maxine Brown-Roberts  
5 representing Office of Planning.

6 The Applicant in Zoning Commission  
7 Case 11-12 has submitted a proposal for  
8 consolidated a ten unit development and  
9 related map amendment from the R-5-B to the CR  
10 zone in Square 37, Lots 836, 837 and 855. The  
11 property is within the West End neighborhood  
12 and is generally bounded by L Street, 23rd and  
13 24th Streets.

14 The property is currently  
15 developed with the West End Branch Library,  
16 the Police Operations Facilities and a surface  
17 parking lot.

18 On November 22, 2010 the City  
19 Council approved a Land Disposition Agreement  
20 for the redevelopment of the properties, which  
21 stipulated the replacement of the library, the  
22 construction of a new fire station for Engine

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1 Company 1 at 2225 M Street Northwest, and the  
2 possibility of 52 affordable units.

3 The proposal is to redevelop the  
4 site with a mixed use development consistent  
5 of new state of the art West End Branch  
6 Library and neighborhood serving retail users  
7 on the ground floor and an additional ten  
8 stories for residences above and a FAR of 7.0  
9 and a height of 110 feet.

10 Underground parking is provided  
11 off 24th Street where loading is accessed by  
12 the alley off 23rd Street.

13 As stipulated in the LDA, no  
14 affordable units will be provided in this  
15 development. The Applicant has therefore  
16 requested flexibility from the IZ requirements  
17 of the proposed development.

18 Additionally, flexibility relating  
19 to retail and library parking, loading and  
20 penthouse number setbacks and enclosure  
21 heights revisions are requested.

22 The project would meet many of the

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1 objectives of the PUD regulations and the  
2 Office of Planning would work with the  
3 Applicant to further refine issues relating to  
4 the design of the building, landscaping and  
5 the abundance of residential parking.

6 The requested flexibility is not  
7 out of line with the project's benefits, which  
8 would include: A new library, fire station,  
9 neighborhood retail, all of which would be of  
10 special value to the neighborhood.

11 The proposal is not inconsistent  
12 with Comprehensive Plan Map designations and  
13 many of the policy guidance and elements.

14 The Office of Planning is  
15 supportive of the redevelopment of the site  
16 and recommends the Zoning Commission set the  
17 application down for public hearing.

18 OP will continue to work with the  
19 Applicant, other District agencies, the ANC  
20 and neighbors to ensure coordination and  
21 resolution of many concerns. We have outlined  
22 in our report additional information that the

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1 Applicant should provide for further  
2 evaluation of the project.

3 Thank you, Mr. Chairman.

4 CHAIRMAN HOOD: Thank you, Ms.  
5 Brown-Roberts.

6 Commissioners, any questions or  
7 comments?

8 COMMISSIONER TURNBULL: Mr. Chair.

9 CHAIRMAN HOOD: Commissioner  
10 Turnbull?

11 COMMISSIONER TURNBULL: I'll take  
12 the lead, I guess, on this one.

13 This is a fascinating project.  
14 When I first saw it, I was kind of at a loss  
15 for words on how to describe it. It's the  
16 glass version of Habitat in Montreal. It's a  
17 very exciting project which is very unique.

18 It has a lot of positive aspects.

19 Obviously, it's got a lot of very interesting  
20 parts to this. I guess what does bother me,  
21 though, is when I look at some of the  
22 perspectives, on certain streets in looks

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1 fine, but when I look A-38 next to the two  
2 story house next door and the five story  
3 apartment building next door, it really dwarfs  
4 those buildings and there's no context at all  
5 given to those existing low rise buildings on  
6 the corner. It just dwarfs them.

7 I think in one of amenities, the  
8 library is obviously a very positive aspect to  
9 include in this. But what I would like  
10 clarification on, I think the library is down  
11 for 17,000 to 20,000 square feet. Having set  
12 on another library case recently for our  
13 sister body, it has been pointed out to me  
14 that new libraries are shooting for 22,000  
15 square feet as the maximum that they want to  
16 include. So I wanted to know why the library  
17 here is not pressing for 22,000 or 22,500  
18 square feet. Just, I mean to me that's the  
19 matra I've heard from the Library "WE need  
20 22,000."

21 MS. STEINGASSER: The Library has  
22 been involved in the design of their own space

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1 and have worked closely with the developer.  
2 We can get from them an explanation of why  
3 this the right size.

4 COMMISSIONER TURNBULL: Would you?

5 Yes. Because, as I say, the matra that I've  
6 heard is if you're building a new library it's  
7 got to be 22,000. So, I'd like a little more  
8 information on that.

9 And I guess part of the other part  
10 of this which is confusing, is the fire  
11 station IZ housing which is going to be on a  
12 different site and how we address that. I'm  
13 not really sure how we go forward and somehow  
14 look at that as something that's off in the  
15 distance. Ms. Brown-Roberts, could you --

16 MS. BROWN-ROBERTS: No, Mr.  
17 Turnbull, I just wanted to clarify something  
18 about the affordable units. That they're  
19 proposed or should be going to the fire  
20 station. It is not related to this case.

21 In this case they're asking for  
22 flexibility from the requirements of the IZ.

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1 It is not to relocate it.

2 COMMISSIONER TURNBULL: It's got  
3 nothing to do with this at all? Because, I  
4 mean, that came up. I mean, there's some  
5 language in there that sort of gave you the  
6 impression that that might be something that  
7 we have to concern ourselves for.

8 MS. BROWN-ROBERTS: No. The  
9 concern is that they're not providing any on  
10 this site.

11 COMMISSIONER TURNBULL: So the  
12 main thing is the library as the benefit?

13 MS. BROWN-ROBERTS: Yes, and the  
14 fire station because the fire station is  
15 connected. Because the LDA says that they  
16 cannot get a Certificate of Occupancy for that  
17 building unless the fire station was also  
18 done. It's not the same relationship with the  
19 affordable units.

20 COMMISSIONER TURNBULL: Okay. I'm  
21 not sure I quite understand totally how that  
22 works.

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1 MS. STEINGASSER: The two sites  
2 are tied together through the Land Disposition  
3 Agreement.

4 COMMISSIONER TURNBULL: Okay.

5 MS. STEINGASSER: And that's  
6 enforced by Council. The expectation was that  
7 this site would be developed through a planned  
8 unit development. The obligation of the  
9 developer is to provide both the library and  
10 the fire station. And so they are obligated  
11 to--

12 COMMISSIONER TURNBULL: So the  
13 fire station is an obligation?

14 MS. STEINGASSER: It is an  
15 obligation under the LDA. Yes, sir.

16 COMMISSIONER TURNBULL: Okay. But  
17 the IZ?

18 MS. STEINGASSER: No, sir.

19 COMMISSIONER TURNBULL: Okay.  
20 What happens to -- there was also an existing  
21 police operation on this site. That's being  
22 transferred, relocated?

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1 MS. BROWN-ROBERTS: Yes. It's been  
2 relocated to 4th Street Southwest.

3 COMMISSIONER TURNBULL: Okay.  
4 There is a loading diagram shown in these  
5 drawings. And I'm just concerned at the scale  
6 that I saw there, I'm still concerned about  
7 trucks going out of the new loading dock with  
8 the apartment building on the corner. It still  
9 looks very tight. I'd like to see a blow up  
10 drawing that more clearly illustrates how that  
11 really works and what protection has to be  
12 done.

13 It looks like there's also some  
14 infrastructure issues, whether there's  
15 electrical polls that are on the site that  
16 feed into the apartment building and the  
17 house. So I think there's going to be some  
18 construction management issues about  
19 maintaining infrastructure to the existing  
20 buildings across the alley with power. So I'd  
21 like to see them get into a construction  
22 management plan about how they're going to be

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1 dealing with that.

2 And I guess I'd like -- right now  
3 the drawings are very interesting, they're  
4 very imaginative, but I think I'd like some  
5 clear architectural drawings that really shows  
6 what's going on.

7 I'd like some elevation without  
8 the douce walk-in streets. I think it's very  
9 figurative, I think it's very cute, but I want  
10 to get a better feel of how this building  
11 actually meets the ground and what the impact  
12 is on the neighborhood.

13 I would like to see less the  
14 watery color -- I mean, it looks like it's a  
15 very pastel-like building the colors that are  
16 being used, but I'd like to see that defined a  
17 little bit more to give us a little bit better  
18 picture of how it really relates to the  
19 buildings around it.

20 And with that, Mr. Chair, I will  
21 relinquish my time.

22 CHAIRMAN HOOD: Okay. Thank you,

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1 Commissioner Turnbull.

2 Any other comments or questions?

3 Commissioner May?

4 COMMISSIONER MAY: Yes. I agree  
5 with many of Mr. Turnbull's comments, and I  
6 would just add and specific to the drawings  
7 overall, it's very difficult to get a handle  
8 on what this project is really going to look  
9 like because what we see here is either not  
10 really very realistic or it's -- I don't know,  
11 it doesn't even show the building very well,  
12 frankly. And it shows it as a very  
13 interesting project, but it doesn't show it  
14 well in the context. I mean, looking at the  
15 image on A-38 and you understand why the  
16 Office of Planning is looking for more  
17 information with regard to the treatment of  
18 this building in comparison to the nearby  
19 historic structures.

20 I mean the whole, frankly, it  
21 seems light on information. And I was  
22 surprised to see how much information the

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1 Office of Planning was still seeking. Because  
2 it just doesn't -- it seems like this is being  
3 put before us a little earlier in the process  
4 then I would have expected. I would have  
5 expected that there would have been more work  
6 at the Office of Planning to try to get this  
7 into a better and more amendable form.

8 I mean, the architecture of it is  
9 certainly interesting. It's also very  
10 different. I'm not sure if it's really the  
11 appropriate thing, and given that part of the  
12 context. I mean, I understand there are some  
13 more modern buildings in that part of the  
14 city. But it is close to the more historic  
15 buildings and the older buildings close to  
16 Washington Circle. So I'm not sure that it  
17 really is a good fit for something that is  
18 this particular expression.

19 And the architecture, frankly, is  
20 kind of interesting but it's also kind of  
21 simple. I mean, you mentioned Habitat,  
22 Commissioner Turnbull. I mean, what I thought

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1 of was Kapla Blocks if you have those, or if  
2 your kid has those. And there's another brand  
3 for them, too, but they're just planks of wood  
4 that get stacked up in very interesting ways.

5 But I can't say that I'm really persuaded by  
6 just the architecture.

7 I'm also very confused by what's  
8 going on in the upper level. It looks like  
9 the level of the pool is kind of halfway up  
10 the penthouse height. I'm not sure if we've  
11 done that before where we've had a -- you  
12 know, it's sort of a two story penthouse that  
13 on the second level is a pool. I mean, I know  
14 that we've had pools on roofs before, but  
15 pools kind of midway through the penthouse,  
16 I'm not sure how that fits in.

17 Theoretically in the penthouse  
18 level you're not supposed to have any  
19 occupiable space, right? I mean, is a  
20 swimming pool actually occupiable space? I  
21 don't now. So there's something strange going  
22 on there, and I'm not sure how it fits into

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1 our very strict and boring Zoning Regulations.

2 We're going to have to get into in  
3 some detail the balancing of the loss of IZ  
4 versus the benefits of the two buildings that  
5 are being provided. And, frankly, the  
6 information that was provided in the  
7 Applicant's submission was a little bit  
8 confusing on this. They talk about both of  
9 these things being \$20 million. I'm sorry, is  
10 that both total or that they are each one is  
11 worth \$20 million. I think it's the latter,  
12 but the information that's provided is a bit  
13 slight -- or a bit light. Excuse me.

14 And I'm curious, I don't really  
15 want to get into a whole LDA for our  
16 consideration, but I'm wondering whether there  
17 was anything in the LDA itself that spoke to  
18 the affordable housing component of the  
19 project, whether that was sort of an  
20 assumption at the beginning on the part of the  
21 Council that there wouldn't be an affordable  
22 housing component of this as a result of the

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1 deal? Was that in the calculus from the  
2 beginning?

3 MS. STEINGASSER: Let us get you  
4 an interpretation of that.

5 COMMISSIONER MAY: Okay. All  
6 right. I'm just sort of struggling with how  
7 we get to balance something like that.  
8 Because it's such a big thing to have to  
9 balance out, and it's beyond the norm I think  
10 for us. So I'm not sure how to do that  
11 calculation in my head.

12 That's it for my questions.  
13 Thanks.

14 CHAIRMAN HOOD: Any other  
15 comments? Vice Chairman?

16 VICE CHAIRMAN SCHLATER: Thank  
17 you, Mr. Chairman.

18 I think this is an exciting  
19 project. I'm interested to learn more about  
20 some of the architectural elements, but in  
21 general I would have to say that I'm very  
22 pleased that the Applicant has brought

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1 something different before us that doesn't  
2 look like all the other buildings that we've  
3 seen before. And it looks like it's high  
4 quality materials. And it looks like something  
5 that, you know could substantially benefit the  
6 District just by virtue of its form.

7 In general, I think when you start  
8 talking benefits and amenities, a fire station  
9 and a library are pretty good. I mean, those  
10 are two very valuable amenities. I think  
11 having a mixed use building that's got a  
12 library in it, and it's got a café next to it  
13 that can be used as a part of the library is a  
14 very full concept. I think it has the promise  
15 of animating streetlife down there in the West  
16 End and being a great project.

17 In terms of evaluating the  
18 affordable housing component, there was talk  
19 in the application of a formula that's being  
20 applied here to decide how to fund the  
21 affordable housing. I think it would be just  
22 easier for them to submit a lot more

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1 information on that. If they can just submit  
2 the calculations that they're using to get to  
3 having no affordable housing, I think it would  
4 certainly help me in my evaluation of the  
5 balancing test here. Because the Applicant is  
6 getting significant benefits from the  
7 increased density. And no doubt that the fire  
8 station and the library are great amenities,  
9 but it is a big ask for us to say no  
10 affordable housing in this building. And I'm  
11 not saying that I wouldn't do it, because  
12 there are competing interests. And, you know  
13 a library and a fire station are very  
14 important, too. But we'd better be sure about  
15 how we got to that conclusion. So I'd just  
16 ask for some more information on that.

17 Thank you.

18 CHAIRMAN HOOD: Okay. Any other  
19 comments?

20 Somebody like to make a motion?

21 VICE CHAIRMAN SCHLATER: Mr.  
22 Chairman, I'd move that we set down Zoning

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1 Commission Case No. 11-12, EastBanc-W.D.C.  
2 Partner, LLC - Consolidated PUD and Related  
3 Map Amendment at Square 37.

4 COMMISSIONER TURNBULL: Second.

5 CHAIRMAN HOOD: Okay. It's been  
6 moved and properly second. Any further  
7 discussion?

8 All those in favor?

9 ALL: Aye.

10 CHAIRMAN HOOD: Not hearing any  
11 opposition, Ms. Schellin, would you please  
12 record the vote?

13 MS. SCHELLIN: Staff records the  
14 vote five-to-zero-to-zero to setdown Zoning  
15 Commission Case No. 11-12 as a contested test.  
16 Commissioner Schlater moving, Commissioner  
17 Turnbull seconding, Commissioners Hood, May  
18 and Selfridge in support.

19 CHAIRMAN HOOD: Okay. I'm going  
20 to take a moment and just interrupt. We  
21 should have done this at the very beginning.

22 I'm going to do a moment of

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1 silence for Mr. George White who was the  
2 Architect of the Capitol, but I want Mr.  
3 Turnbull, if you have a few words you want to  
4 say.

5 COMMISSIONER TURNBULL: Oh, thank  
6 you very much, Mr. Chair.

7 Mr. White was a Fellow of the  
8 American Institute of Architects, and he laid  
9 to rest on -- he actually served on this  
10 Commission when he first was appointed  
11 Architect. And when he was appointed, he  
12 actually had been elected President of the  
13 American Institute of Architects. So he gave  
14 up that position to become Architect of the  
15 Capitol. And he served on this Commission in  
16 his early term until the pressures of the  
17 office got to be too much, and then he  
18 appointed someone.

19 But, yes, he was laid to rest on  
20 Friday and there was a memorial service on  
21 Saturday.

22 And he was the last of the

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1 Architects of the Capitol to be appointed by  
2 the President for a lifetime term.

3 And so we'll miss him.

4 I think he had more degrees than a  
5 thermometer. He was not only an architect, he  
6 was an engineer, he was an attorney and just  
7 had a very colorful career and very much  
8 involved in Washington.

9 He lived up in the Georgetown  
10 neighborhood, but was very active in the D.C.  
11 community.

12 And I will point find out that the  
13 American Institute of Architect Executive  
14 Committee was there on Saturday. And I think  
15 the family greatly appreciated that.

16 CHAIRMAN HOOD: Okay. I want to  
17 thank you, Mr. Turnbull for that.

18 And, Mr. Parsons, one of the  
19 things he used to tell me about Mr. White, who  
20 he had a chance to serve with, was that George  
21 White always believed everybody deserved a  
22 hearing. That's one of the things that I

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1 remember that Mr. Parsons said about him.  
2 I've never had the chance to serve with him.

3 But I would like for us at this  
4 time to do a moment of silence.

5 (Whereupon, a moment of silence  
6 was observed.)

7 CHAIRMAN HOOD: Thank you. Thank  
8 you for your indulgence. And I should have  
9 done that at the very beginning. My  
10 apologies.

11 Okay. Next Hearing Action Zoning  
12 Commission Case No. 10-28, this is 901 Monroe  
13 Street, LLC - Consolidated PUD & Related Map  
14 Amendment at Square 3829.

15 Commissioners, this is a  
16 continuation of a setdown that was not  
17 setdown. And typically what we do -- what I  
18 think we will do in this case is go to the  
19 Office of Planning because the Applicant has  
20 revised his submission to us after our  
21 concerns whatever the other setdown was. And  
22 I'm not sure who I go to. Mr. Cochran, okay.

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1                   Mr. Cochran, you're busy tonight.  
2                   How do you get all this stuff scheduled and  
3                   you do it?

4                   MR. COCHRAN: I'm sure there are a  
5                   lot of things I haven't done as a result, Mr.  
6                   Chair. But, thank you again.

7                   At the Zoning Commission's Public  
8                   Meeting, as you said, on March 14th OP  
9                   recommended that the Commission setdown the  
10                  application for a consolidated PUD at 901  
11                  Monroe Street along with a related map  
12                  amendment from R-2 and C-1 to the C-2-B zone.

13                  OP also recommended that an  
14                  alternative of the C-2-A zone be setdown with  
15                  the incorporation of the two percent  
16                  flexibility permitted by the regulations.

17                  Commissioners raised concerns and  
18                  asked the Applicant to further address the  
19                  relationship to the Comprehensive Plan and  
20                  determine whether the FAR had been calculated  
21                  properly. The Applicant responded to these  
22                  concerns in a filing dated July 5. That

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1 response states sections of the Comprehensive  
2 Plan and the Brookland-CUA Metro Station Small  
3 Area Plan to demonstrate that the proposed PUD  
4 would not be inconsistent with the  
5 Comprehensive Plan. It provides a few more  
6 details of the proposed community benefits and  
7 amenities. It also corrects the FAR  
8 calculations following a meeting with the  
9 Zoning Administrator.

10 Portions of the apartments below  
11 the level of the sidewalk are now accounted  
12 towards FAR.

13 The July design also reduces some  
14 of the height on 10th Street and Lawrence  
15 Streets and increases the setbacks from the  
16 rowhouses that would remain on 10th Street.

17 The Applicant states that these  
18 changes are in response to concerns expressed  
19 by some residents living close to the proposed  
20 PUD.

21 OP continues to recommend that the  
22 Commission set down the application and

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1 related map amendment. However, due to the  
2 corrections and the method of calculating FAR,  
3 OP no longer proposes that the application be  
4 set down in the alternative with the related  
5 map amendment to C-2-A.

6 OP's July 15 report summarizes the  
7 revised proposal and analyzes it in comparison  
8 with the March version. While I'd be happy to  
9 go over any aspects of our report, if the  
10 Commission has questions I'd like to  
11 concentrate on the application's relationship  
12 to the Comprehensive Plan.

13 As OP noted in March, the  
14 application is not inconsistent with the  
15 Comprehensive Plan, it's Citywide Northeast  
16 written Elements generalize maps and Small  
17 Area Plan.

18 The project and the requested C-2-  
19 B zone would be congruent with, for instance,  
20 the policy that strongly encourage moderate  
21 density mixed use development on vacant and  
22 under utilized land in the vicinity of the

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1 Brookland-CUA Station. It would not be  
2 inconsistent with the Future Land Use Map  
3 which shows the majority of the Applicant's  
4 site as suitable for the type of moderate  
5 density mixed residential and commercial use  
6 as the Applicant proposes. And the remainder  
7 of the site is suitable for a mix of low  
8 density commercial and residential uses in one  
9 section, and low density residential uses in  
10 another.

11 It would not necessarily be  
12 inconsistent with the generalized nature of  
13 the policy map which shows intensified  
14 development in the vicinity of the Metro  
15 station across Monroe Street from the project.

16 With respect to the Small Area  
17 Plan, that envisions Monroe Street as a tree  
18 lined mixed use street with neighborhood  
19 serving retail, restaurants, arts and cultural  
20 uses on the ground floor and residential  
21 above.

22 While one recommendation in the

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1 Small Area Plan states that 50 feet should be  
2 the maximum height for a site such as the  
3 Applicant's, another recommendation seems to  
4 permit heights along Monroe Street to exceed  
5 50 feet as long as they are setback 12-to-1  
6 above that 50 foot level. The Applicant's  
7 proposal sets the entire building back 14 to  
8 16 feet from the property line and then sets  
9 back the top story above 50 feet at a 12-to-1  
10 ratio.

11 The July design goes even further  
12 in reducing some heights and increasing some  
13 setbacks near residences that would remain.

14 OP understands the concerns that  
15 this application has generated for some  
16 members of the Brookland community. But these  
17 concerns in the project proposal deserve the  
18 consideration that could be offered in an open  
19 forum, that is why OP recommends the  
20 Commission setdown Application 10-28 for a  
21 public hearing.

22 CHAIRMAN HOOD: Okay. Thank you

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1 very much, Mr. Cochran.

2           Commissioners, I know we had some  
3 concerns about this case previously. And I  
4 think the Applicant made another attempt in  
5 the setdown report if we look on page 2 of  
6 this Exhibit 18, pages on the introduction. I  
7 think they hit some of the issues that we had  
8 brought up previously when we considered this  
9 for setdown.

10           So, what I'd like to do at this  
11 time is open it for any discussion or  
12 questions or comments to the Office of  
13 Planning.

14           COMMISSIONER MAY: So, the bottom  
15 line is the actual massing of the building was  
16 reduced, right? But the FAR went up a little  
17 bit?

18           MR. COCHRAN: That's correct. The  
19 massing and the rentable square footage went  
20 down but because as you have noticed, the FAR  
21 calculations were incorrect. The FAR actually  
22 went up a little.

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1 COMMISSIONER MAY: Right.

2 CHAIRMAN HOOD: There's still  
3 similar to the original proposal, but larger  
4 then March.

5 COMMISSIONER MAY: Right. It's  
6 small then the original proposal?

7 MR. COCHRAN: Yes.

8 COMMISSIONER MAY: But that had to  
9 do with the calculation? Okay. And the --

10 MR. COCHRAN: Excuse me.  
11 Actually, the original proposal I'm not sure  
12 about the FAR calculations in that.

13 COMMISSIONER MAY: Okay. I mean,  
14 I guess the point is that the massing of the  
15 building has been modified, it's been sculpted  
16 kind of down a little bit and it's a bit more  
17 responsive to the context and the FAR of space  
18 that counts was increased just enough to put  
19 it out of range of the C-2-A, right? Because  
20 you're not --

21 MR. COCHRAN: Yes.

22 COMMISSIONER MAY: -- proposing C-

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1 2-A in the alternative anymore.

2 CHAIRMAN HOOD: Correct.

3 COMMISSIONER MAY: Okay. And I  
4 didn't see any images beyond the pencil  
5 outline of the massing of the building, do we?  
6 You don't have fancy new renderings like  
7 these of the revised project? Not yet?

8 MR. COCHRAN: I -- I thought that  
9 the renderings that they sent to OP, at least,  
10 were rather fancy. I don't know the date on  
11 what you're looking at.

12 COMMISSIONER MAY: The images that  
13 we have are -- I mean, I'm not complaining. I  
14 mean, these are penciled. That's what we  
15 have?

16 CHAIRMAN HOOD: That's all.

17 COMMISSIONER MAY: All right. At  
18 least for the first time around, I think we  
19 would want to see something more akin to what  
20 was originally presented. But I think putting  
21 the two together is sufficient to me, and I  
22 know that when we actually see the exhibits

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1 that are presented to us before the hearing,  
2 I'm sure it will be sufficiently detailed  
3 knowing the architect's work. So I'm not too  
4 concerned about that.

5 You know, I think that the notion  
6 that this site actually should handle a bit  
7 more density than might have been contemplated  
8 in the Comprehensive Plan, in other words sort  
9 of the square of mixed use; this is a little  
10 bigger than that than what was originally  
11 there and you're moving into the R-2 zones a  
12 little bit more. The idea of doing that in  
13 close proximity to the Metro I think certainly  
14 has some validity. I think this is going to  
15 be a real question for what we hear at the  
16 hearing and what the community has to say  
17 about whether this is the right amount of  
18 density, or perhaps too much. But I think  
19 that the project itself has been improved  
20 enough that I'd be prepared to go with the  
21 setdown tonight.

22 CHAIRMAN HOOD: Any other

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1 comments, discussion? Commissioner Turnbull?

2 COMMISSIONER TURNBULL: Yes, Mr.  
3 Chair. I would go along with Commissioner May  
4 on that, I think. There's enough here to set  
5 it down. And I'd just reiterate that knowing  
6 the office that puts together the drawings,  
7 I'm sure we've seen their typical package when  
8 it comes before it, and we'll address all of  
9 the architectural concerns that we normally  
10 worry about.

11 CHAIRMAN HOOD: Any other comments  
12 and questions?

13 I will say that one of the things,  
14 I know the Counsel Mr. Thomas would make sure  
15 that when the hearing starts, I see that one  
16 of my issues was the benefits package included  
17 the amenities, which I see there have been a  
18 couple of changes: The community park.

19 Also, I'm just curious of how this  
20 next one, I'm hoping that during the hearing  
21 process I can understand exactly how the  
22 Applicant would purchase goods and services

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1 from the Greater Brookland Business  
2 Association's businesses as well as others in  
3 Brookland. I just want to see what the plan is  
4 to make sure it happens.

5 A lot of times the plan looks good  
6 in front of us and it doesn't actually  
7 materialize, first of all because of what they  
8 need cannot come from that area. So we need to  
9 make sure that there's a plan so that actually  
10 happens.

11 And also, Mr. Cochran, I notice  
12 in your report is it safe for me to say that  
13 the support for this and the opposition for  
14 this is like 50/50? I mean, I'm not  
15 necessarily trying to put a quantitative value  
16 with it, but is it safe to say that some want  
17 it and some don't? It's just not like it's a  
18 conglomerate of those who do not want this  
19 project. Is it safe to say that it's kind of  
20 up in the air?

21 MR. COCHRAN: It's safe to say  
22 that some want it and some don't.

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1 CHAIRMAN HOOD: Okay. Thank you.

2 Any other questions or comments?

3 And I asked that for a reason, and  
4 hopefully after setdown I will expound.

5 Vice Chairman?

6 VICE CHAIRMAN SCHLATER: Mr.  
7 Chairman, I think the Applicant did a very  
8 good job, particularly on the streets, the  
9 non-Monroe Street frontages of varying the  
10 heights of the building and making  
11 acknowledgements to some of the rowhomes  
12 immediately adjacent to it. And I think we've  
13 made a lot of progress and I'm prepared to  
14 make a motion to set it down.

15 CHAIRMAN HOOD: That's good.  
16 Let's go.

17 VICE CHAIRMAN SCHLATER: I'd like  
18 to make a motion that we setdown Zoning  
19 Commission Case No. 10-28, 901 Monroe Street,  
20 LLC - Consolidated PUD & Related Map Amendment  
21 at Square 3829.

22 CHAIRMAN HOOD: Okay.

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1 COMMISSIONER SELFRIDGE: Second.

2 CHAIRMAN HOOD: It's moved and  
3 properly second. Any further discussion?

4 I would just say that I appreciate  
5 the Applicant at least attempting in our  
6 requests. It looks like a lot of our requests  
7 at least were tried to be realized or answered  
8 and going back and reaching back out to the  
9 community.

10 Any further discussion?

11 COMMISSIONER MAY: Mr. Chairman?

12 CHAIRMAN HOOD: Commissioner May?

13 COMMISSIONER MAY: I just looked  
14 over my notes from our original discussion. I  
15 had a note that I was interested in learning  
16 more about the Small Area Plan and how that  
17 effects their interpretation of the  
18 Comprehensive Plan for this project. And I  
19 think that would be helpful because the Small  
20 Area Plan, obviously, is an area where the  
21 Office of Planning getting significant  
22 community input and that's helpful for guiding

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1 our decision making.

2 So, I'm not asking for the whole  
3 Small Area Plan, but maybe some excerpts from  
4 the Office of Planning when we get down to the  
5 hearing.

6 COMMISSIONER SELFRIDGE: Mr.  
7 Chairman, I just want to make a comment that  
8 you know I think the Applicant's done a good  
9 job taking some of our comments into  
10 consideration. But certainly the process has  
11 not ended here and I think that this hearing  
12 is going to be a very lively and enlightening  
13 hearing, and I encourage the Applicant to  
14 continue to work talking to and reaching out  
15 to the community because I think that's going  
16 to have a huge impact on the viability of the  
17 project.

18 CHAIRMAN HOOD: Very well said. I  
19 agree.

20 Did I call for the motion. Oh,  
21 you called for it. Did anybody second?

22 MS. SCHELLIN: It did. Yes.

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1 CHAIRMAN HOOD: All that  
2 discussion threw me off, and I started it.  
3 Okay.

4 It's been moved and properly  
5 second. Any further discussion.

6 All those in favor?

7 ALL: Aye.

8 CHAIRMAN HOOD: Not hearing any  
9 opposition, Ms. Schellin, would you please  
10 record the vote?

11 MS. SCHELLIN: Yes. Staff records  
12 the vote five-to-zero-to-zero to setdown  
13 Zoning Commission Case No. 10-28 as a  
14 contested case.

15 Commissioner Schlater moving,  
16 Commissioner Selfridge seconding,  
17 Commissioners Hood, May and Turnbull in  
18 support.

19 CHAIRMAN HOOD: Okay. I think the  
20 last our agenda item is the action that came  
21 from 05-28C -- G.

22 Mr. Lawson?

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1 MR. LAWSON: Thank you, Mr. Chair.

2 Joel Lawson with the Office of  
3 Planning.

4 I don't think there's too much I  
5 want to add to the OP report. As we note in  
6 our report, we do support this being setdown  
7 as a hearing at this point, or sorry. For a  
8 public hearing at this point.

9 I'm happy to answer any questions  
10 you may have. We're happy to recommend that  
11 it be setdown.

12 CHAIRMAN HOOD: Okay.  
13 Commissioners, I'm not sure if we need to  
14 rehash what we mentioned earlier for the  
15 Applicant or the counsel. I'm not sure  
16 whether we need to rehash any of that. Okay.

17 Somebody like to make a motion to  
18 set it down for a hearing?

19 COMMISSIONER SELFRIDGE: Mr.  
20 Chairman, I make a motion that we set down  
21 Zoning Commission Case No. 05-28G -  
22 Modification to the Approved PUD, Parkside

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1 Homes, LLC.

2 CHAIRMAN HOOD: Second?

3 COMMISSIONER TURNBULL: Second.

4 CHAIRMAN HOOD: Oh, I'm sorry, Mr.  
5 Turnbull. It's moved and properly second.

6 Any further discussion?

7 All those in favor?

8 ALL: Aye.

9 CHAIRMAN HOOD: Not hearing any  
10 opposition, Ms. Schellin, will you please  
11 record the vote?

12 MS. SCHELLIN: Staff records the  
13 vote five-to-zero-to zero to setdown Zoning  
14 Commission Case No. 05-28G as a contested  
15 case.

16 Commissioner Selfridge moving,  
17 Commissioner Turnbull seconding.  
18 Commissioners Hood, May and Schlater in  
19 support.

20 CHAIRMAN HOOD: Okay. Do we have  
21 anything else, Ms. Schellin?

22 MS. SCHELLIN: Nothing else.

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1 CHAIRMAN HOOD: This is our last  
2 meeting before our four weeks off, hopefully  
3 it don't go too fast.

4 MS. SCHELLIN: There's another  
5 meeting on Thursday at 6:15.

6 CHAIRMAN HOOD: Oh. But this is  
7 our last --

8 MS. SCHELLIN: But this is our  
9 last regular meeting.

10 CHAIRMAN HOOD: Regular meeting.  
11 And I always want to make sure I thank the  
12 folks who do all the leg work that helps us to  
13 help us make informed decisions for the city.

14 And that is definitely the Office of Zoning  
15 staff, Ms. Schellin, Ms. Hanousek, and  
16 everybody who helps us. The Office of  
17 Attorney General under the leadership of Mr.  
18 Bergstein. Also Mr. Ritting who has always  
19 stuck in here with us. And then the Office of  
20 Planning who has given us reports with the  
21 information. Whether we agree or not, they  
22 provide us with all the information.

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1                   And I tell you, when I first  
2 started on this Commission we didn't get  
3 reports and it made it very difficult to  
4 really get down to some of the basis of the  
5 issues surrounding the particular issues.

6                   So, I want to thank all of those  
7 offices. And I hope I'm not leaving anyone  
8 out. But more than that, I want to thank the  
9 applicants and the residents. Because without  
10 all of that, there wouldn't be no need for the  
11 Zoning Commission.

12                   So with that, I guess we have one  
13 more session. We have a hearing on Thursday  
14 and we get four weeks off. Great.

15                   So we're done. And I want to  
16 thank everybody. And this meeting is included.

17                   Thank you.

18                   (Whereupon, the Regular Meeting  
19 was adjourned at 8:16 p.m.)

20  
21  
22

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